AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1034 OF 2007

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Vikas Kolekar for the Petitioner.

CORAM : ABHAY S.OKA, J.

DATED : FEBRUARY 14, 2007.

P.C.:

1. The Petitioner applied for sending the disputed document to handwriting expert. The said Application at Exhibit 80 has been rejected. By this Petition under Article 227 of the Constitution of India, the challenge is to the order rejecting the said Application.

2. It is not in dispute that the admitted thumb impression of the first Respondent is on the record of the trial Court. It is always open for the Petitioner to appoint his own handwriting expert and to apply to the trial Court seeking permission of the trial Court to allow the expert to take photographs of the disputed signature as well as admitted signatures. If the trial Court grants permission, the Petitioner can always produce a report of his the handwriting expert and can always examine the said handwriting expert as his witness.

3. No fault can be found with the rejection of the Application at Exhibit 80. Writ Petition is

rejected. However, it will be open for the Petitioner to take out Application as observed in this order. If such Application is made, it will be decided by the trial Court on its own merits notwithstanding rejection of Application at Exhibt 80.

JUDGE